

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

Case No.: 19-73725-ast

Rosalind Davis

Chapter 13

Judge: Alan S. Trust

Debtor.

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**OBJECTION TO CONFIRMATION OF PLAN**

**TO: THE HONORABLE ALAN S. TRUST  
UNITED STATES BANKRUPTCY JUDGE**

**PLEASE TAKE NOTICE** that SN Servicing Corporation as servicer for U.S. Bank Trust National Association as Trustee of the Lodge Series III Trust (“Secured Creditor”), the holder of a mortgage on real property of the debtor(s), by and through its undersigned attorneys hereby objects to the confirmation of the Chapter 13 Plan on grounds including:

1. Secured Creditor is the holder of a Note and Mortgage dated November 20, 1997 in the original principal amount of \$214,500.00 with respect to debtor’s property located at 10 Highwoods Court, St. James, New York 11780.
2. Debtor’s plan fails to provide for the treatment of the claim of Secured Creditor. The objecting creditor is due arrears of \$373,220.59 which will be fully set forth in a timely filed Proof of Claim. As the plan fails to provide for the outstanding arrears Secured Creditor hereby objects to confirmation.
3. Debtor’s plan as proposed appears to contemplate that there will be no cure for the pre-petition arrears of Secured Creditor unless or until a loan modification is achieved. The requirements of 11 U.S.C § 1322(d)(2) do not provide for payment over a period longer than 5 years. Moreover, the debtor is obligated to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C §1322(b)(5). Accordingly, the plan fails to satisfy the confirmation requirements of 11 U.S.C. §1325(a)(1).

4. Debtor's proposed plan fails to list Secured Creditor in Part 3.1 for post-petition payments.
5. Debtor's proposed plan fails to list Secured Creditor in Part 3.2 along with the amount of arrears owed.
6. Debtor's proposed plan is not feasible as it lists the total amount to be paid to the Trustee as only \$195,960.00.
7. Debtor's proposed plan fails to comply with other applicable provisions of Title 11.

In the event any portion of the claim is deemed to be an unsecured claim as defined by the Code, objection is hereby made pursuant to 11 U.S.C § 1325(a)(4) and 1325(b), et seq. unless the plan provides for full payment of the claim.

Dated: July 25, 2019  
Garden City, New York

Respectfully submitted,

By: /s/Richard Postiglione  
Richard Postiglione, Esq  
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**CERTIFICATE OF SERVICE**

Debtor.

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I, Richard Postiglione, an attorney duly admitted to practice law before the District Courts of the State of New York, respectfully certify that I am not a party to this action, am over 18 years of age and reside in the State of New York. On July 25, 2019, I served the foregoing Objection to Confirmation by mailing the same in a sealed envelope, with postage paid thereon, in an official depository of the United States Post Office within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

**Rosalind Davis**

10 Highwoods Court  
Saint James, NY 11780

**Ronald D Weiss**

734 Walt Whitman Road  
Suite 203  
Melville, NY 11747

**Marianne DeRosa**

Office of the Chapter 13 Trustee  
100 Jericho Quadrangle  
Ste 127  
Jericho, NY 11753

**United States Trustee**

Long Island Federal Courthouse  
560 Federal Plaza - Room 560  
Central Islip, NY 11722-4437

/s/ Richard Postiglione  
RICHARD POSTIGLIONE, ESQ.